

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	Case No. 1:02-cr-007
	:	
- vs -	:	Chief Judge Susan J. Dlott
	:	Magistrate Judge Michael R. Merz
CLAYTON L. WAAGNER,	:	
	:	
Defendant.	:	
	:	
	:	

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael R. Merz (Doc. #139), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and time for filing such objections under Fed. R. Civ. P. 72(b) expired September 5, 2014, hereby ADOPTS said Report and Recommendation.

Accordingly, it is hereby ORDERED that the Motion to Vacate under 28 U.S.C. § 2255 is dismissed with prejudice. Petitioner is DENIED a certificate of appealability and the Court hereby certifies to the United States Court of Appeals for the Sixth Circuit that an appeal would be objectively frivolous.

September 17, 2014.

S/Susan J. Dlott

Susan J. Dlott
Chief United States District Judge